

REMARKS

In the Office Action, claims 21-27 have been rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,226,618 to Downs et al. in view of U.S. Publication No. 2002/0112171 to Ginter et al.

In this Response to Office Action, independent claim 21 has been amended to now recite a computerized method for employing a transaction agency to transfer a two-part file from a buyer to a seller wherein the two part file is separated into content and overhead parts by the buyer. The overhead is then sent to the transaction agency where the overhead is decrypted. Support for these amendments is found in the specification beginning on page 8 at line 26 and continuing to page 9 at line 7 and in Fig. 3.

Amendments to the claims have been presented herein to improve the readability of the claims and to point out the features which distinguish the present invention over the cited art. Also, these amendments have been made to more clearly define the structure and cooperation of structure for the present invention. Claims 21-27 remain pending.

Rejections under 35 U.S.C. § 103(a)

In the Office Action, claims 21-27 have been rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,226,618 to Downs et al. in view of U.S. Publication No. 2002/0112171 to Ginter et al. Specifically, the Examiner has indicated that Downs et al. disclose encrypting a file wherein at least a portion of the content portion of the file is encrypted by the seller using a private key. The Examiner has further stated that Downs et al. disclose an overhead that includes the private key and a

transaction agency that presents the encrypted file on the Internet for transfer to a buyer where the buyer uses the private key to decrypt the content. The Examiner has also indicated that Ginter et al. disclose sending a two-part file and using a public key to reveal a private key.

In this Response to Office Action, claim 21, which is the only pending independent claim, has been amended and now recites a computerized method for employing a transaction agency to transfer a two-part file having an overhead and a content from a buyer to a seller. As amended, claim 21 further recites that the content is encrypted using a private key and that the private key is included in the overhead and encrypted using a public key provided by the transaction agency. Next, per claim 21 of the present application, the two part file is transferred on the internet from the seller to the buyer. At the buyer, claim 21 recites that the file is separated into its content and overhead parts. The overhead is then sent to the transaction agency where the overhead is decrypted using the public key to reveal the private key. Lastly, claim 21 recites that the reveal private key is provided to the buyer where it is used to decrypt the content.

No such steps or combination of steps are taught or suggested by either of the cited references (i.e. Downs et al. and Ginter et al.) taken alone or in combination. Specifically, Downs et al. fail to teach or suggest the steps of: 1) sending a two-part file from a seller to a buyer wherein the file includes encrypted content and a content unlocking key (i.e. overhead), 2) separating the file into parts at the buyer, and 3) sending the overhead from the buyer to the transaction agency for subsequent decryption to reveal the content unlocking key to the buyer. Instead, and quite unlike

the present invention, Downs et al. disclose a system wherein the content and content unlocking key are separated prior to reaching the buyer (see Fig. 6 and columns 23-24). For the system disclosed in Downs et al., the buyer forwards the content unlocking key to a clearing house for decryption and the decrypted key is subsequently sent back to the buyer. Then, after obtaining the decrypted key, the buyer for the Downs et al. system must request and receive the encrypted content from a host site (see steps 607 and 608 in Fig. 6). These later steps are not required for the methods of the present invention, since the buyer already has the content when they receive the decrypted key. In addition, for the Downs et al. system, the transfer of the content unlocking key from the clearing house to the buyer requires an encryption using a public key. This ensures the content unlocking key is not revealed to third parties prior to the buyer obtaining the content from the host site. Again, this later step of encrypting the content unlocking key for transfer from the transaction agency to the buyer is unnecessary for the present invention. Thus, the present invention presents the advantages of simplicity and efficiency when compared to the system disclosed by Downs et al. Specifically, as indicated above, the present invention requires few steps including fewer data transfers and fewer encrypting / decrypting operations.

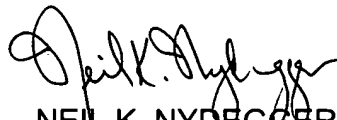
The teaching that is lacking in Downs et al. is not provided by Ginter et al. Specifically, the Ginter et al. reference does not disclose several of the steps that are recited in claim 21 of the present invention. In particular, Ginter et al. do not teach or suggest: 1) sending a two part file from a seller to a buyer, 2) separating the file into parts at the buyer, and 3) sending a first part of the file from the buyer to the transaction agency for subsequent decryption to reveal a key for decrypting the second part of the

file. In view of the arguments presented above for distinguishing independent claim 21 from the cited references, Attorney for Applicant respectfully contends that independent claim 21 is now allowable. Accordingly, since rejected claims 22-27 depend either directly or indirectly from independent claim 21, these claims are also allowable. For the reasons set forth above, Applicant believes the basis for rejecting claims 21-27 under 35 U.S.C. § 103(a) has been overcome and the rejections should be withdrawn.

In conclusion, Applicant respectfully asserts that claims 21-27 are patentable for the reasons set forth above, and that the application is now in a condition for allowance. Accordingly, an early notice of allowance is respectfully requested. The Examiner is requested to call the undersigned at 619-688-1300 for any reason that would advance the instant application to issue.

Dated this 21st day of June, 2004.

Respectfully submitted,



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